

REMARKS/ARGUMENTS

These remarks are submitted in response to the Advisory Action mailed June 25, 2008, and are concurrently filed with a Request for Continued Examination and a Petition for One-Month Extension of Time. The Office is expressly authorized to charge all necessary fees to deposit account 50-0951.

Applicants have cancelled Claims 6-15. However, Applicants are not conceding that the cancelled claims fail to present patentable subject matter. The cancellation is solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the cancelled claims in any future divisional or continuation applications from the present application.

It was stated in the Advisory Action that the proposed amendments in the response to the final Office Action have not been entered and thus remarks/arguments with respect to these changes are currently moot.

However, it is noted that the claims were not amended in the response to the final Office Action.

It was asserted in the Advisory Action that Snowden teaches that a consumer could pre-authorize that select medical information is available; therefore a consumer can pre-authorize a pharmacist to only view medication list.

Snowden teaches in paragraph [0107] that a consumer could pre-authorize that select medical information such as medicine-related allergies be made available electronically to emergency personnel. However, this does not suggest controlling an authorization and a scope of access to the medical information by the patient according to an assigned role of a user accessing the medical information by modifying an access control list, as recited in Claim 1 of the instant application. First, it is noted that Snowden does not disclose an access control list, which implies that more than one users are listed.

Second, it is noted that Snowden does not disclose that the access control list can be modified by the patient to change the authorization or scope of access.

Claim 1 has been amended to incorporate the limitations of previous Claim 19 in order to facilitate the prosecution. Applicants believe that none of the cited references discloses tracking and notifying the patient of who accessed the medical information, what was accessed, and when was access taken place, as recited in amended Claim 1.

It was asserted in the final Office Action that although Hacker does not explicitly teach who access the records when an access has taken place, it is obvious that who accessed the data is pertinent and prior art suggests providing this information.

Applicants respectfully disagree. It is noted that the patient is not just being provided with notification of an access, but also can keep track of the history of all accesses. Capturing/maintaining/processing an audit trail can help a user to control his or her personal information.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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